

City of Taylorsville  
Planning Commission Meeting  
Minutes  
Tuesday – August 9, 2005 – 7:00 P.M.  
2600 West Taylorsville Blvd – Council Chambers

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**Attendance:**

**Planning Commission**

Kristie Overson, Chair  
Blaine Smith  
Ted Jensen  
Dama Barbour  
Angelo Calacino  
Robert "Bip" Daniels  
Joan Rushton-Carlson

**Community Development Staff**

Mark McGrath, Director  
Michael Maloy, City Planner  
Nick Norris, City Planner  
Dan Udall, City Planner  
Jean Gallegos, Secretary/Recorder

**PUBLIC:** Gary Penrose, April Smith, Ed Hofeling, Ana Ruiz, Dan Patton, Donald R. Patton, Michael Gordon, Lee Hofeling, Rusty Poll, Jean Mackay, Neal Meyer, L. Nick, Ken Lloyd, Chan Tran, Glen Morse, Jack Lucas, Joshua Pettit, Sherry Loris, Jim Bushnell

**WELCOME:** **Commissioner Overson** welcomed those present, explained the procedures to be followed this evening and opened the meeting at 7:06 p.m. [19:07:49](#)

**CONSENT AGENDA**

**MOTION:** By motion of **Commissioner Calacino** and second by **Commissioner Daniels**, Item #3, Application #26C05 was moved from the consent agenda to the regular agenda at the request of the applicant, who wished to address the Commission on the matter.

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| 1. <b><u>MINUTES:</u></b> Review/Approval of Minutes for July 12, 2005. |
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| 2. 26H05 <b><u>Ann Westwater, 3004 West 4745 South</u></b> - Jewelry Making. (Nick Norris – City Planner) |
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2.1 **Mr. Norris** oriented the Commissioners in the pre-meeting. The applicant is requesting a Class C Home Occupation Conditional Use Permit to operate a jewelry making business from her home. She has not indicated the number of customers that would be coming to the home per day. The proposed hours of operation are 5:00 p.m. to 10:00 p.m., Monday through Friday and 10:00 a.m. to 4:00 p.m. on Saturdays. **Staff recommends approval of the application subject to the following conditions:**

1. That the applicant receives approval and remains compliant with all applicable reviewing agencies.
2. That the applicant adheres to and remains compliant with Taylorsville Ordinances 13.57.050 Operational Requirements and 13.57.057 Specific Operational Requirements--Class C Home Occupation.
3. That the hours of operation are 5:00 p.m. to 8:00 p.m., Monday through Friday and 10:00 a.m. to 4:00 p.m. on Saturdays.
4. That all customer visits are by appointment only with at least 30 minutes between customer visits.
5. That only a name plate sign, attached to the main building and no larger than three square feet be allowed.
6. That the conditional use permit is reviewed upon substantiated or unresolved complaint.

2.2 Applicant was not present.

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| 4. 25H05 <b><u>Betty Bird, 5280 South Samuel Drive (2360 West)</u></b> –Quilt Making. (Michael Maloy – City Planner) |
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4.1 **Mr. Maloy** oriented the Planning Commissioners in the pre-meeting. The applicant has applied for a Class C Home Occupation Permit to operate a quilt sewing business at her home. The proposed hours of operation are from 9:00 a.m. to 3:00 p.m., Monday through Saturday. **Staff recommends approval with the following conditions:**

1. Receive approval from and remain compliant with all applicable reviewing departments and agencies of the City (i.e., City Building Official, Fire Marshall, Business Licensing, etc.).
2. Applicant must comply with all applicable regulations for a Home Occupation Class C Permit (See 13.57.050 and 056).
3. Prior to permit issuance, the applicant shall install house numbers on the residence compliant with the following City Ordinance: Property address numbers need to be identified and maintained on the home. Address letters should be a minimum of 4 inches or more in height and a contrasting color from the main building (Code 13.57.050.L).
4. Hours of operation shall be limited to Monday – Saturday from 9:00 a.m. to 3:00 p.m.

4.1 Applicant was present.

**MOTION:** 19:09:08 Commissioner Calacino - Madam Chair. I would like to make a motion to approve the Consent Agenda, except to remove Item #3 to the business portion of the agenda for discussion.

**SECOND:** Commissioner Daniels.

**VOTE:** All Commissioners voted in favor. Motion passes unanimously.

#### **HOME OCCUPATIONS – REGULAR MEETING**

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| 3. | 26C05 | <b><u>Michael Gordon, 4319 South Phillips Lane (1355 West)</u></b> - Oversized Detached Garage (Preliminary). (Dan Udall – City Planner) |
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3.1 19:09:57 Mr. Udall oriented the Planning Commissioners in the pre-meeting. The applicant has requested permission to build a 672 square foot accessory building on his property. On lots less than 15,000 square feet, all accessory buildings larger than 576 square feet are conditional uses. The accessory building is proposed to be located on the southeast side of the lot. Color of the vinyl is to match the color on the house. **Staff recommends approval of the preliminary conditional use permit with the following conditions:**

1. That the use is reviewed upon by complaint.
2. Receive approval from and remain compliant with all applicable reviewing agencies.
3. **[Added by Motion] There will not be a driveway installed.**

3.2 **APPLICANT ADDRESS:** **Michael Gordon** - 19:12:41 Mr. Gordon advised that the reason for building the accessory building was to store a vehicle he seldom drives and equipment. There is a gravel path on that side of the house and lawn in front of that. **Mr. Gordon's** intent was to just drive across the lawn occasionally to get into the building and not install a paved driveway there.

3.3 **SPEAKING:** None in favor or opposition.

3.4 **CLOSED FOR DISCUSSION OR MOTION:** 19:14:16 Commissioner Calacino was concerned about the second drive access on the side and felt it would eventually lead to an extra driveway. He asked the applicant why the garage could not be placed on the other side, thereby using the existing driveway. **Mr. Gordon** said he was not interested in putting in another driveway and wanted it to look entirely like a front yard. He said a large Walnut tree on the side of the home would make it impossible to drive to the back yard there as suggested by Commissioner Calacino. The structure was being proposed mostly for storage and not a garage use. **Commissioner Jensen** wanted an opinion on the concept that the applicant wants to drive across his lawn to access that. 19:17:12 Mr. Udall advised there was no known regulations concerning driving over the grass. 19:17:32 Commissioner Daniels expressed concern about driving over the park strip and **Mr. Udall 19:17:58** advised that the applicant would cross the lawn to the south in the rear yard and would not violate the park strip.

3.5 **MOTION:** 19:18:25 Commissioner Rushton-Carlson - I move that we approve Application 26C05 subject to staff recommendations. Commissioner Barbour - 19:18:44 I suggest that we add to that motion one other condition, that being that there will not be a driveway located there. They

will just be going in and out as stated. Commissioner Rushton-Carlson - I will include that in the motion that there will be no traffic allowed over the lawn on the side of the property. Commissioner Barbour – They have to drive over the lawn to get in but it should not be used as a driveway. Commissioner Rushton-Carlson - I agree.

SECOND: Commissioner Barbour.

Commissioner Overson - We have a motion to approve File 26C05 with staff recommendations. All in favor please signify.

VOTE: All Commissioners voted in favor. Motion passes unanimously.

**#4 was on the Consent Agenda.**

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| 5. | 24H05 | <u><b>Rusty Poll, 1852 West 4655 South</b></u> - Woodworking Home Occupation.<br>(Dan Udall – City Planner) |
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19:21:10

5.1 **Mr. Udall** oriented on the site plan, aerial map and images. The applicant is requesting a woodworking home occupation to construct bird houses and other wood crafts. No customers will be coming to the home. The applicant is proposing to operate the business in the attached garage. Proposed hours of operation are from 10:00 a.m. to 10:00 p.m. **Staff recommends approval with the following conditions:**

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. The home occupation is subject to review upon complaint.
3. A maximum of one name plate sign is allowed to be attached to the single-family home. The sign is allowed to be three square feet.
4. That the home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes.
5. That the hours of operation for the home occupation shall not exceed 10:00 a.m. to 8:00 p.m.

5.2 **APPLICANT ADDRESS: Rusty Poll.** **Commissioner Rushton-Carlson** asked about the type of projects and 19:23:19 **Ms. Poll** said it would be lawn ornaments, etc. **Commissioner Daniels** was concerned about possible noise pollution and fumes but felt that was covered by the condition of review upon complaint. 19:23:38 He asked the applicant to speak to that issue. **Ms. Poll** advised that it would not be a constant noise, possibly a half hour during the day time and would be no greater than the noise a lawn edger makes. She would have the garage door down and felt there would be no noise concerns. **Commissioner Jensen** asked her if she had spoken with her neighbors about this proposal and she said she had but they expressed no concerns. 19:24:24

5.3 **SPEAKING:** None in favor or opposition.

5.4 **CLOSED FOR DISCUSSION OR MOTION:**

5.5 **MOTION:** 19:25:22 **Commissioner Calacino** - I would make a motion that we grant approval of Application 24H05 with the findings outlined by staff, oral testimony heard this evening and the five conditions outlined by staff.

**SECOND: Commissioner Rushton-Carlson.**

**Commissioner Overson** - The motion is to approve File #24H05 with staff recommendations.

**VOTE:** All Commissioners voted in favor. Motion passes unanimously.

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| 6. | 27H05 | <u><b>Ana Ruiz, 5497 South 3535 West</b></u> - Family Day Care. (Nick Norris – City Planner) |
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19:26:56

6.1 **Mr. Norris** oriented on the site plan, aerial map and images. The applicant is requesting a Class D3 Home Occupation Conditional Use Permit for a family day care in her home. The applicant has indicated that there will be up to 12 children attending the day care. The hours of operation would be 6:00 a.m. to 7:00 p.m., Monday through Saturday. The yard is fully fenced. **Staff recommends approval subject to the following conditions:**

1. That the applicant receives approval and remains compliant with all applicable reviewing agencies.
2. That the applicant adheres to and remains compliant with Taylorsville Ordinances 13.57.050 Operational Requirements and 13.57.057 Specific Operational Requirements—Class D Home Occupation.

3. That the hours of operation are from 6:00 a.m. to 7:00 p.m., Monday through Saturday.
4. That the outdoor play area is used no earlier than 8:00 a.m.
5. That no more than 12 children, including the caregiver's own children under six and not yet in full day school, attend the day care.
6. That, due to the number of children, a second care provider is required.
7. That the child drop off area be located in the driveway and that a safe means for the children to access the dwelling be provided.
8. That the day care does not detract from the residential character of the dwelling.
9. That only a name plate sign, attached to the main building and no larger than three square feet be allowed.
10. That the conditional use permit is reviewed upon substantiated or unresolved complaint.
11. **[Added by Motion] That appropriate winter lighting be installed at the point of drop off and pick up of the children.**

6.2 **APPLICANT ADDRESS:** Mrs. Ruiz was present but did not speak.

6.3 **SPEAKING:** None in favor or opposition.

6.4 **CLOSED FOR DISCUSSION OR MOTION:** [19:29:19](#) **Mr. Norris** advised that he had received two telephone calls from neighbors who were concerned, however, both wanted to give the applicant the opportunity to operate the business and see how it succeeds.

6.5 **MOTION** [19:29:50](#) **Commissioner Daniels** - Madam Chair, if I might, I would like to offer a motion for approval of Application 27H05 with findings of fact as cited in the staff report and with the ten staff recommendations. I would like to add #11 to include appropriate winter lighting be installed at point of drop off and pick up.  
**SECOND:** [19:30:25](#) **Commissioner Calacino**.  
**Commissioner Overson** - The motion is to approve File 27H05 by **Commissioner Daniels**, adding an 11<sup>th</sup> recommendation that appropriate lighting be installed for winter or evening/early morning hours at the point of drop off and pick up, with second by **Commissioner Calacino**  
**VOTE:** All Commissioners voted in favor. Motion passes unanimously.

**DISCUSSION:** **Commissioner Calacino** - **Commissioner Daniels**, would acceptable lighting just be a wall mounted light on the home or would you think a pole light would be more appropriate?  
**Commissioner Daniels** – I think it would be okay to say sufficient lighting that did not illuminate too far into the neighbor's yards. I just want to make sure the lighting is there at the point of pick up and drop off.  
[19:31:52](#)

### **ZONE CHANGE**

7. 13Z05 **Chan Tran, 1841 & 1863 West 4100 South**. Recommendation to the City Council to Amend the Zoning Map from R-1-8 to C-2. (Dan Udall – City Planner)

7.1 [19:31:59](#) **Mr. Udall** oriented on the site plan, aerial map and images. The applicant is requesting a zone change from R-1-8 to C-2 on these properties, consisting of .89 acre combined. There are currently two single-family homes located on the property. The applicant desires to eventually construct an office building and a commercial building on the site. Both of the single-story buildings are proposed to be 3,514 square feet. **Staff recommends approval of the zone change because of the following finding: That the C-2 zone is compatible with the "community commercial" General Plan designation. [Added by Motion] Commissioner Calacino in his motion added a zoning condition to include small retail (i.e., floral shop and jewelry sales), restaurants but no drive-through restaurants.**

7.2 **APPLICANT ADDRESS:** Chan Tran was present.

7.3 **SPEAKING:** None.

7.4 **CLOSED FOR DISCUSSION OR MOTION:**

- 7.5 **MOTION:** 19:37:22 Commissioner Calacino - I would make a motion to recommend approval of the zone change from R-1-8 to C-2, adding a zoning condition that the use be limited to small scale retail, i.e., floral shop, jewelry and restaurants but no drive-through restaurants. Mr. Udall – Would that mean everything is allowed in the C-2 zone except for drive-through restaurants. Commissioner Calacino – To a certain degree. I don't think you would be able to get larger type uses such as a hospital, bowling alley, large grocery store, on there. Small scale retail would easily accommodate the majority of uses allowed in the C-2 zone, just not a larger scale use. Commissioner Daniels - 19:38:15 Madam Chair, point of clarification. I think what Commissioner Calacino is trying to prohibit is heavy traffic increase, correct? Commissioner Calacino - Not so much that. You can't really control traffic because if there is a successful use, there will be increased traffic. What we need to take into consideration is that this is a unique piece of property and uses that might work on there should be looked at carefully because we don't want a competing use with the existing commercial center immediately to the east but we want something that will succeed and benefit the property owner as well as the City as a whole but based on its physical constraints and location, you have to take into consideration what uses are going to be more appropriate there. You may get someone in there trying to force a use that should not be there. I think a restaurant with a drive-through would be a "forced" use that eventually could cause traffic problems because of the necessity to turn into the site. Commissioner Daniels - I understand what you are going for, I just wanted to make sure we had the right prohibitions in place.
- SECOND:** Commissioner Rushton-Carlson  
Commissioner Overson - Motion by Commissioner Calacino is to approve File 13Z05 adding a zoning condition to include small scale retail, restaurants but no drive-through restaurants. Commissioner Calacino - 19:40:37 I would like to amend the motion to have the zoning condition read, "Small scale retail, office and restaurants but no drive-through restaurants." Commissioner Rushton-Carlson as second was agreeable to that change.
- VOTE:** All Commissioners voted in favor. Motion passes unanimously.

#### **ZONING ORDINANCE TEXT CHANGE**

8. 14Z05 **Jack Lucas.** Recommendation to the City Council to Amend the MD-1 and MD-3 Zones to Permit Medium Density Residential as a Primary Use. (Michael Maloy – City Planner)

8.1 **Mr. Maloy** 19:40:45 explained that the proposed zoning text amendment would eliminate all commercial/residential mixed use development potential within the Mixed Development Zones. It would effectively permit medium density residential development as a primary use on properties not currently intended for residential development. Although commercial/residential mixed use development has not previously occurred within the City, development of the Taylorsville City Center and other mixed development properties is very likely to occur in the near future. Essentially support for this proposed zoning amendment would permit medium density residential development at these critical properties. Therefore, Staff would object to this amendment application based on the unintended consequences on both existing and future mixed development zones within the City. **Staff recommendation is for denial of this text amendment and encourages the applicant to amend the application to request a zoning map amendment for the subject property.**

8.2 **APPLICANT ADDRESS:** **Jack Lucas.** 19:48:31 **Mr. Lucas** wanted to know if a development could still be created that would incorporate commercial and residential without the word "accessory" included there? That on a larger development, perhaps a developer could come in with medium density residential and also commercial, both of which are conditional uses associated with the zone. 19:49:37 **Mr. Maloy** responded by saying that staff recognizes that mixed development is a challenge in a suburban market in general. Staff felt like this would be incentive if medium density development was allowed in an area intended to be more commercial. In exchange for bringing that residential element to the property, that creates the mixed development by bringing in that commercial portion for a combination of uses. Without that requirement, a mixed development would probably not occur. Experience has been mostly for office development in the MD zones. 19:50:10 **Mr. Lucas** said that the potential would be there for that type of development if the economics allowed and encouraged it by an owner of a piece of property. For the benefit of the public, 19:51:02 **Mr. Lucas** read a portion from the purposes and provisions of the MD Zone. "The purpose of a mixed use development is to provide a variety of uses, limited commercial, office and residential as an appropriate transition between high traffic arterial streets and nearby residential uses." He said that each of those are specific uses and that the medium density residential would be as acceptable a use as any of the other permitted uses within that MD

zoning. He added that as a citizen of Taylorsville and also a developer, he was personally convinced that in this particular MD-3 zoning situation, that residential should be an acceptable use without imposing a commercial aspect to it. Mr. Lucas continued his comments with one of the reasons given by Staff for denial was that it was solely residential and that they felt the text amendment would permit residential development as a primary use on properties not currently intended for residential development. When in fact, in the MD-3 zone, residential is a permitted use as low density. He added that medium density should not be forced into a situation which requires it to become combined with a commercial use. The condition of the property should be what dictates whether or not the development should incorporate a combined commercial/residential situation. He cited one example of where it would work as being downtown Salt Lake City. **Mr. Lucas** went on to suggest that high density be an accessory use to this conditional use with commercial. He believes that medium density residential should be considered as a conditional use of the MD-3 and could apply in whatever situation is deemed necessary within the City.

1. [19:54:26](#) **Commissioner Rushton-Carlson** advised Mr. Lucas that the Planning Commission is very concerned with the text amendment affecting the whole City for all properties under that zoning and not just this particular site. **Mr. Lucas** felt that the word “accessory” is the problem and is mandating the use of that property when in fact as a transitional property, residential is very acceptable under the MD zone. **Commissioner Rushton-Carlson** commented that the way to get around that would be to request a zoning change rather than a text amendment change. [19:55:21](#) **Mr. Lucas** expressed that as a citizen he felt that the property warrants this type of change, with residential on two sides and residential across the street.

2. **Commissioner Overson** asked if Mr. Lucas just wanted to put residential on this piece of property, which he agreed was the case and felt the solution was simply a matter of removing the word “accessory”. [19:56:19](#)

3. [19:56:30](#) **Commissioner Barbour** asked Mr. Lucas if his concern was the time line and he replied that was part of it. He felt there should be the option of having all medium density residential in the MD-3 zone without the requirement for including a portion to be commercial.

8.3 **SPEAKING:** [20:02:01](#) **Gary Penrose** spoke in favor of Mr. Lucas’s proposal and did not want mixed commercial/residential units there. [20:03:17](#) **Commissioner Rushton-Carlson** explained that was a misconception and was not a requirement. [20:04:10](#) **Mr. Maloy** advised that the issue is whether or not there can be residential as a primary use in a medium density development in the MD Zone. That is the question – not that there can’t be a stand alone office in the MD Zone. **Mr. Penrose** asked for clarification because he understood that the property these gentlemen were trying to develop over the last six months has been derailed three times in the sense of saying can there be residential and combine it all in one package. [20:04:45](#) **Mr. Maloy** said that was not factually correct because the developers petitioned the City for an MD-3 zone which was approved, with the understanding from the very beginning that if they wanted medium density residential, it needed to be in a mixed development zone. The applicant was thoroughly aware of that and accepted that.

8.4 **CLOSED FOR DISCUSSION OR MOTION:** [20:07:50](#) **Commissioner Barbour** suggested that the MD zone is in place for a reason and the property developers could request a zone change to achieve what they want. She did not agree with changing the text of the zoning ordinance for one small project. [20:08:39](#) **Commissioner Calacino** was in agreement with that and felt the intent of the MD-1 and MD-3 zones is similar to C-1 and C-2 zones for a combination of uses, primary being commercial and secondary being residential.

8.5 **MOTION:** [20:10:41](#) **Commissioner Rushton-Carlson - Madam Chairman, I move that we deny Application 14Z05 (text amendment request) for the reasons discussed tonight and in accordance with staff’s recommendations. We all have problems with a zoning text amendment when it could be handled through a zoning change for that particular property instead.**

**SECOND:** **Commissioner Calacino.**

**Commissioner Overson - We have a recommendation to deny File #14Z05 by Commissioner Rushton-Carlson and a second by Commissioner Calacino.**

**Mr. McGrath - Madam Chair, may I just clarify that this is just a recommendation to the City Council.**

**Commissioner Overson - Thank you for that clarification.**

**VOTE: All Commissioners voted in favor. Motion passes unanimously**

#### **CONDITIONAL USES**

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| 9. | 24C05 | <b>Mr. Gary Penrose (The Carpet Guy), 6300 S. – 6310 South Redwood Road.</b><br>Carpet Store and Warehouse (Preliminary). (Michael Maloy – City Planner) |
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9.1 **Mr. Maloy 20:12:49** oriented on the site plan, aerial map and images. The applicant has submitted an application for preliminary approval of a conditional use permit to construct a 9,832 square foot carpet retail store and warehouse on .71 acres. The applicant is the owner of a carpet sales and installation business presently located at 4973 S. Redwood Road. He has outgrown his existing leased facility and desires to relocate into a larger which he would develop and own. To accomplish this objective, he purchased these properties, which have been recently rezoned to C-2 Commercial with the following zoning condition (z/c): Allowable land uses be limited to professional office, retail business, storage as an accessory or incidental use to a primary use and restaurants without drive-through service. **Staff Recommendation: Approval with the following conditions:**

**General Conditions:**

1. Receive approval from and remain compliant with all applicable reviewing agencies and departments of the City of Taylorsville (i.e., City Engineer, Unified Fire Authority, etc.)
2. Applicant must combine existing parcels into one parcel, compliant with City and County regulations.
3. Planning Staff shall review final conditional use permit application.

**Site Plan Elements:**

4. **[Changed by Motion]** Applicant shall submit for City approval a final landscaping plan, complete with construction details and [added] **stamped by at least a landscape designer or a landscape architect that takes into consideration drought tolerant and native species. Also height of vegetation along the west property, enhanced landscaping and trees, etc., along the street frontage and around the building.** Final landscape plan shall contain species type, locations, quantities and plant sizes (including trees). Applicant is required to select a mixture of plants in order to create a variety and "seasonal colors" within plant beds. Additionally, the final landscape plan shall:
  - Contain construction details for irrigation system. Applicant is encouraged to design a system that controls and conserves the use of water.
  - Provide screening to all ground mounted utilities and dumpster location.
  - Include planting plans for all adjacent park strips. Applicant is encouraged to consider park strip trees identified on City's LARP preferred tree planting list. Park strip trees are to be 2" caliper planted every 25' on center (if permitted by UDOT).
  - Due to recent problems (i.e., disease, death), with Austrian Pine Trees in the Salt Lake valley, Staff recommends selection of another type of evergreen species such as the Colorado Blue spruce (or as recommended by landscape professional).
5. Applicant shall coordinate design of accessible/pedestrian connection from the public sidewalk to the front entrance with the Building Official and City Planner.
6. Accessible stall shall be van accessible with loading area on the passenger side of the vehicle compliant with ANSI standards. Site plan amendment will likely require relocation of the accessible ramp. If ramp remains as shown, ramp should be aligned on-center with main door.
7. Applicant shall submit for final approval a site lighting plan. Lighting plan should include cut sheet specifications on all exterior lighting elements and accommodate pedestrian elements as well as vehicle parking. Cement light bases should be minimally exposed when located within landscaped areas.
8. **[Deleted by Motion]** ~~Applicant shall coordinate with the City the location of an easement for a future City gateway sign (to be determined).~~
9. Sidewalk and park strip shall be reconstructed to meet City standards. If approved by the Planning Commission, a meandering sidewalk may be installed along frontage, however, design of meander must include landscape berms or other landscape features to give purpose to design (such as constructed at the Redwood Dental office building across from the site). Sidewalk meander must maintain a minimum setback of five feet from back of curb (except where necessary to connect with existing sidewalk at the north and south edge of the property).
10. **[Changed by Motion]** Applicant shall submit a fence plan (i.e. location, height, type) that is compliant with direction from the Planning Commission given during preliminary review. **That the fence along the canal be more of a decorative type, i.e., 6' high vinyl or other, not just chain link or if chain link, make it vinyl coated and have slats to make it more decorative. That the north property line stays as is but the landscaping along that side of the building be enhanced to create a buffer.**

11. Submit location and product specifications of a site furnishing plan. Outdoor furniture should include a bench, waste receptacle and bike rack and shall be compatible with building architecture.

#### **Building Architecture**

12. Preliminary color and material palette are approved as shown on the material sample board. Variations from this approval shall require a CUP amendment from the City prior to installation.
13. To encourage a sense of vitality and visual interest, window glazing should be translucent and not heavily tinted or opaque (except where the use of spandrel glass is required for security purposes by the applicant). Also, windows are to be recessed within exterior walls as indicated in architectural rendering to create a sense of massing and depth.
14. Building mounted lighting shall use downward cast lighting (i.e., no outward shining wall packs). The use of ground-mounted up-lighting, which highlights or accents building architecture, is encouraged. Applicant shall submit for City approval architectural grade lighting specifications that is visually interesting and will accent building design and use.
15. Trash dumpster shall be constructed of materials compatible with building architecture and use an opaque swinging gate; however, gate shall not utilize chain-link fence with slats.
16. Customer entrance on south side of building shall be center-aligned within vestibule. Current site plan indicates a conflict with door-swing and canopy support.

#### **Added by motion:**

17. **That a lot consolidation needs to take place to combine the four separate parcels into one.**
18. **The applicant works with the City Staff for a sign package and that only a monument sign be allowed along with the standard wall sign for the building.**
19. **In reference to the sidewalk along Redwood Road, as long as it is built to City standards – no preference on whether or not it is meandering.**

9.3 **APPLICANT ADDRESS:** **Gary Penrose (The Carpet Guy)** **Mr. Penrose** advised that he had been doing business in Taylorsville for seven years. He employees about eight people, who are in and out during the day. **20:20:57** He felt his site could easily handle the number of customers projected to visit his business. **Mr. Maloy** advised that he had received a couple of calls from the owners of Aspen Reception Center who were concerned about clients for the carpet store using their parking. **Mr. Penrose** felt that scenario is probably reversed in that the reception center guests would probably use the carpet store parking due to the reception center being used mostly during the evening hours after the carpet store is closed.

- **Commissioner Rushton-Carlson** complimented Mr. Penrose on the building design as being very attractive. **20:22:11** **Mr. Penrose** thanked her and brought up the fact that he received communication from Don Adams (Economic Development Director) and Mayor Auger questioning the need for the meandering sidewalk. **Mr. Penrose** said that Mr. Adams felt that since the rest of the sidewalk along there is straight, there was no need for this portion to meander. **20:23:36** **Commissioner Rushton-Carlson** then asked if the sidewalk, if straight, would be 6' wide and Mr. Penrose agreed to that. He further commented that if the sidewalk was 6' wide, there would be a problem in that current City ordinance says there must be a 5' park strip with a 5' sidewalk. **Mr. Maloy** said it was actually a 5' park strip and 4' sidewalk. **20:24:16** **Mr. Penrose** continued on to say if they did that, they could not get to his sidewalk from the property on both sides. Something must be done that is functional for a long period of time rather than a short term fix where a bond is required or do something different. He wanted to make sure whatever is done makes sense.
- **20:24:43** **Commissioner Calacino** wondered if inasmuch as Redwood Road is controlled by UDOT, shouldn't the type of sidewalk be deferred to them. Also, if there is an existing sidewalk with a very small park strip that has been filled in with asphalt, would it not make sense to see whether the City and UDOT would agree to have the asphalt torn out and concrete put in so that there is a wider integral curb, gutter and sidewalk and be done with the issue. **20:25:30** **Mr. McGrath** advised that UDOT doesn't care one way or the other about the sidewalk, just curb to curb. The integral sidewalk would not meet City standards and as a general rule the City tries to avoid building that type of sidewalk due to the preference for park strips, the feeling being that park strips provide a better buffer for the pedestrian from the travel lanes. Also, that is where snow is put when they plow Redwood Road and it is better to

have it in the park strip than on the sidewalk. **Commissioner Calacino** asked if it would be better to install a straight sidewalk with a transition on the north and south ends. **Mr. McGrath** was agreeable to that proposal.

- **Mr. Penrose** then asked if the meandering sidewalk was going to be required, they might as well do one or the other to make staff more at ease with what is going to go there. If it is going to be expanded out another 2' or be torn out, it might as well be done in some form or fashion to match. The only concern would be expanding it from the 4' sidewalk and do a meandering walk. He said that Mr. Maloy mentioned at one point about wanting it functional or at least provide some reason for it to meander. **Mr. Maloy** advised that he had adequately addressed that in the staff report and informed the Chair that he would respond to that issue if she wanted him to. **Commissioner Overson** said that she had no feelings one way or the other on the issue of whether the sidewalk meanders or is straight. Her concern was the sidewalk around the building. The issue for her was making sure that sidewalk was 6' wide and not 5' wide and eliminating the wheel chucks in the parking lot. Mr. Penrose asked his architect to address that issue.
- [20:27:39](#) **Curtis Minor (Architect)**. **Mr. Minor** said that he and Mr. Maloy had worked on a solution on the west side of the building where because of site constraints the sidewalk there could not be wider than 5'. There was an adjacent parking stall that was 18' deep and the agreement was to make the sidewalk 7'5" feet and the parking stall 16'5". That essentially uses the edge of the sidewalk as the wheel block and allows the nose of the car to hang over by 2'. That still gives the pedestrian adequate space in front. [20:28:06](#) The other sidewalk directly in front of the entry door has been widened to 6'.
- **Commissioner Calacino** asked if the chain link fencing along the north property line was part of this parcel and [20:28:54](#) **Mr. Penrose** advised he was not sure and would need to check the survey. His preference for the north side, until something is developed there, was to have a barrier such as trees and install a mesh material landscaping rock to control the weeds all the way around the back of the building up to the point where the doors are located. When development is proposed for that area, then they could work with the new owners on a 50/50 split of the cost for the additional fencing along the north side. Along the back side of the property, the proposal is for Poplar trees and a 5' high chain link fence. [20:30:43](#)
- [20:31:18](#) **Commissioner Jensen** asked if there would be company trucks on site and **Mr. Penrose** said his employees use their own personal vehicles. There is one company truck for larger projects, which may remain on site over night parked in the rear. [20:31:50](#) **Commissioner Jensen** then asked if Mr. Penrose was comfortable with semi-trucks delivering loads on that site due to the high volume of traffic along Redwood Road. **Mr. Penrose** advised said that there would only be one such truck twice a month. Any other delivery would be made by considerably smaller trucks. He felt access onto the site was adequate for these deliveries by making sure the two end parking spaces are clear during deliveries. [20:32:10](#)
- **Commissioner Overson** expressed concern that the 5' chain link fence was neither sturdy enough nor high enough and **Commissioner Jensen** said that the requirement was for a 6' high fence. **Commissioner Overson** also would like to see something other than landscape rocks installed and preferred shrubbery. Other than that both she and **Commissioner Barbour** expressed that they were pleased with the effort Mr. Penrose has made to upgrade in the building appearance. [20:37:28](#)

9.4. **SPEAKING: Sherry Loris** (Part owner in the Aspen Reception Center). **Mrs. Loris** indicated that while the owners of the reception center were happy to see the site developed and cleaned up, they had concerns about the height of the building and of the trees, which may block visibility to their building and negatively impact their business. [20:40:01](#)

9.5 **APPLICANT RE-ADDRESS: Mr. Penrose - 20:41:19** **Mr. Penrose** advised that the actual height of their building will only be 5' above the homes presently in place. Also, the building is being placed all the way to the north end of the property and the reception center will actually have more visibility. He wants to be a good neighbor and would be willing to plant taller shrubs instead of the Poplar trees. [20:42:18](#)

9.6 **CLOSED FOR DISCUSSION OR MOTION:**

1. [20:42:31](#). **Commissioner Jensen** wanted to discuss the issue of a master sign plan and make it one of the conditions for approval under the site plan element. He suggested it read: "Master site

plan for the site should be compatible with adjacent professional office and/or mixed use development as a condition”.

2. [20:43:06](#) **Commissioner Calacino** felt that a legitimate landscape plan which includes drought tolerant species should be prepared and stamped by a professional landscape architect to make this project more beautiful and provide visibility for surrounding property owners. He would like that added as a condition for approval. [20:43:58](#) He felt the fencing along the canal needs to meet the ordinance as far as height and type are concerned and be something a little more decorative than chain link, such as a tan vinyl fence. As for the fence along the north property line, since the building itself practically creates a wall along that property line, he saw no reason not to just add more landscaping there to provide a satisfactory buffer. The issue of the sidewalk can be worked out with staff to be either meandering or straight. If it is meandering, the landscaping needs to be enhanced to provide landscaping on both sides of the sidewalk. He also indicated that there needs to be a lot consolidation take place creating one parcel out of four.
  3. [20:45:18](#) **Mr. Maloy** said the code reference that requires that the public improvements be upgraded to meet current code is 13.40.200. This is to answer the question from the applicant as to why he was given the requirement. [20:45:32](#) “The applicant for a building or conditional use permit for all dwellings, commercial or industrial uses and all other businesses and public and quasi public uses shall provide curb, gutter and sidewalk along the entire property line which abuts any public road or street in cases where it does not exist at City standards”, which this project does not and that is why that was given as a requirement to the applicant. Staff did not require a meandering sidewalk, only said that if the applicant wants to do it, there should be some reasonable design behind it.
  4. [20:46:16](#) **Commissioner Jensen** asked staff if it would be okay to discuss the possibility of a directional sign for the benefit of the reception center. **Mr. Maloy** advised that the entrance to the site is actually in West Jordan and the only way for that to happen is through application to West Jordan City.
  5. **Commissioner Rushton-Carlson** asked if it were correct that the applicant has agreed to allow a City gateway sign to be located on his property and was informed by **Commissioner Overson** that was covered in staff recommendation #8. [20:47:24](#). **Commissioner Calacino** felt that condition should not be a requirement, however, that the applicant is free to work something out in this regard with staff in good faith. He recommended that if a sign is installed it would be better if it were on the east side of Redwood Road to greet people as they enter the City rather than when they are leaving. [20:47:59](#) **Mr. Maloy** said the intent was not to make it a requirement.
  6. [20:48:23](#) **Commissioner Barbour** asked for clarification on the sign package and asked if there was not an ordinance that goes along with the C-2 zoning that would be in effect for this property. [20:48:33](#) **Mr. Maloy** said that the applicant has a requirement by ordinance to submit a master sign plan for the site. The conceptual review discussion was that adjacent properties would actually have a different sign standard. That Commissioner Jensen raised the issue and it was not re-stated in conditions of approval. Also, Commissioner Barbour is correct that there is an appropriate ordinance in place. [20:49:27](#) The current zone would allow even a pole sign but the applicant has only proposed a monument sign.
- 9.5 **MOTION:** [20:50:49](#) **Commissioner Calacino** – Madam Chair, I would make a motion that we grant preliminary approval of Conditional Use Application 24C05, with the understanding that this is a planned unit development. Therefore, we do have a little more latitude or authority to regulate items on the site. We grant preliminary approval based on findings of fact, oral testimony presented here this evening and staff’s conditions/recommendations. That those conditions be modified as follows: (1) Number 8 basically be stricken concerning coordination with the City and the applicant for a gateway sign. I would like to leave that up to the applicant and City to work out in good faith. If a City sign is proposed, we have some flexibility in how that works out. (2) Number 10 in regards to the fencing, that the fence along the canal be more of a decorative type, i.e., 6’ high vinyl or other, not just chain link or if chain link make it vinyl coated and slats to make it more decorative than the standard galvanized chain link fencing. I would recommend that along the north property line, it stays as is but the landscaping along that side of the building be enhanced to create a buffer. (3) That a landscape plan for the site be submitted and stamped by at least a landscape designer or a landscape architect that takes into consideration drought tolerant and native species. Height of vegetation along the west property, enhanced landscaping

and trees, etc., along the street frontage and around the building should be addressed. A lot consolidation needs to take place to combine the four separate properties into one and that the applicant works with the City staff for a sign package and that only a monument sign be allowed along with the standard wall sign for the building. Applicant work with the staff on a sign package for only a monument sign plus the wall sign allowed on the building. For the sidewalk along Redwood Road, as long as it is built to City standards, there is no preference on whether or not it is meandering. 20:54:15

**SECOND: Commissioner Daniels**

**Commissioner Overson** - There is a motion by Commissioner Calacino and second by Commissioner Daniels to approve Application #24C05 with modifications of conditions presented by Commissioner Calacino in that motion.

**VOTE: All Commissioners voted in favor. Motion passes unanimously**

10. 28C05 <b>Nathan Coulter, 2132 West 5400 South</b> - Car Wash. (Nick Norris – City Planner)
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10.1 20:54:46 **Mr. Norris** oriented on the site plan, aerial map and images. The applicant is requesting preliminary approval to construct and operate a car wash on a 0.9 acre site. The car wash will have seven wash bays with two automatic bays and five manual bays. All bays will be self-serve. The site will also contain self-serve vacuum stations. Any access to and from the property must be approved by UDOT. Cross access agreements need to be in place. **Staff recommends preliminary approval with the following conditions:**

1. That the applicant receives approval from all applicable agencies, including the Utah Department of Transportation (UDOT) and remain compliant with all requirements of those agencies.
2. That the applicant installs a 6 foot high masonry wall along the north property line and continues the wall onto the property to the west to a distance of 40 feet from the street line of 2200 West.
3. That a 20 foot wide landscaping buffer be installed along the north property, that it be planted as indicated on the submitted landscaping plans, and that it includes shrubs as well as trees. The trees shall be a minimum size as indicated on the submitted landscaping plan.
4. That the park strip be planted with trees spaced at a distance of 25 feet. The trees shall be a species that is suitable for a park strip.
5. That the 20 foot front landscaping setback be planted with a mix of shrubs or the setback be bermed to hide the asphalt area and the vacuum areas.
6. That a cross access agreement be recorded with the Salt Lake County Recorder's Office with a copy of the agreement submitted to the City.
7. That the area used for the access onto 2200 West be improved to match the improvements along the north property line. This includes the landscaping setback, roadway, piping of the irrigation ditch, etc.
8. That all work in the public right-of-way is permitted by the applicable agency and all requirements of those agencies are adhered to.
9. That all lighting be directed away from the neighboring properties and be architecturally compatible with the building.
10. That the specification of the equipment to be used be submitted to the City.
11. ~~That a sound study be performed and submitted prior to final approval.~~
12. That the storm drainage plan be approved by the City Engineer and, if applicable, all storm drainage fees paid prior to final approval.
13. That a signage plan be submitted to the City prior to final approval. Any changes to the signage as shown on the elevations are approved by Staff unless there are any issues that cannot be resolved between the applicant and Staff, in which case the issue shall be resolved by the Planning Commission.
14. That if any issue arises that cannot be resolved by the applicant and Staff, the issue shall be resolved by the Planning Commission.
15. **[Changed by Motion]** That ~~Staff~~ **the Planning Commission** grants final approval.

10.2 **DISCUSSION:** 20:58:57 **Commissioner Calacino** asked if UDOT had granted approval for access and **Mr. Norris** advised that the request was submitted but no reply had been received to date. 20:59:37 **Commissioner Calacino** asked if a cross easement is being contemplated and **Mr. Norris** said that is pending approval by the City 21:00:08 **Commissioner Calacino** wanted to know if the property owner directly east of this site had made any comments about sharing what appeared to be about a 24' wide access. 21:00:33 **Mr. Norris** said that property owner expressed concerns because the site plan that was submitted shows the access extending almost to his building where he has a handicap access in place but is willing to work this out with the car wash owners. It should be noted that access is on the property now and is in compliance. 21:01:10 **Commissioner Daniels** asked for clarification about the north side of the site which apparently shows a cul-de-sac and wanted to know if it was possible to suggest an 8' high wall instead of a 6' high wall as a buffer on that side. 21:01:39 **Mr.**

**Norris** said that was possible but one objection raised in other developments where 8' high walls have been proposed is that some neighbors had concerns about the impact on their property with regard to sunlight, etc., but in this instance, it may be justified in order to reduce the noise impact.

10.3 **APPLICANT ADDRESS:** **Dean Erickson** (Representing Nathan Coulter). [21:03:58](#) **Mr. Erickson** advised that they have been working with Russ Naylor (architect) in designing a beautiful project for this site. They will comply with all of Staff's and UDOT's requirements and have added 5' of additional landscaping across the back. They plan to exceed expectations of the City and the Commission. They plan to address the noise and light issues and advised that their equipment is at an extremely low noise level. Also that the building materials are sound absorbent. If the Planning Commission wants it, the wall will be at the 8' height. There are cross easements in place going from this property to the road. The exact location of the access is contingent on approval from the City. Full cross easements exist between the two properties and to the property owner to the east. The present access is actually located on the proposed car wash site and the applicant anticipates extending a complete cross access agreement to that property owner and recording that at the County Recorder's Office. [21:06:46](#) **Commissioner Rushton-Carlson** commented that until the applicant receives approval from UDOT, the exact location of the access on 5400 South is unknown. **Mr. Erickson** said that was correct and they will comply with UDOT's instructions on proper placement of the access. [21:08:08](#) **Commissioner Calacino** advised that the access location would affect the site design and that UDOT probably will not allow just one access on this site. [21:08:35](#) **Mr. Erickson** said that center access points are frequently used for shared access and the site would not have to be redesigned if that happens. [21:09:36](#) **Commissioner Jensen** asked about the possibility of restricting the operational hours to lessen the noise impact. [21:09:49](#) According to **Mr. Erickson** that would not happen because of the low level of noise from this use and due to the present ambient road noise level generated from 5400 South traffic. [21:11:07](#) **Commissioner Jensen** asked if the lighting would be downward cast and **Mr. Erickson** said that car washes don't have a problem with flooding light onto other properties because the light level is comparatively low.

10.3 **SPEAKING:** None.

10.4 **CLOSED FOR DISCUSSION OR MOTION:** [21:12:43](#) **Commissioner Calacino** was hesitant to recommend preliminary approval at this time because he felt that seven bays in the car wash was too many. Also that access is a big problem. [21:13:32](#) **Commissioner Barbour** added her concern about the access. [21:13:55](#) **Commissioner Calacino** gave several recommendations (which he re-stated in the motion). [21:16:09](#).

10.5 **MOTION:** [21:20:10](#) **Commissioner Barbour** – Madam Chair - I will move that File #28C05, the car wash, be approved preliminarily with Commissioner Calacino's recommendations along with Staff's. **Commissioner Overson** - Commissioner Calacino, for the benefit of all of us, I would ask that you re-state your recommendations for this motion. **SECOND:** **Commissioner Calacino** – I will second the motion. [21:21:09](#) To re-state my comments, would first of all be all of staff's recommendations. In addition to those, I would propose modifications to the site as follows: (1) Enhanced landscaping along the front, to include shrubs, etc., along with at least a 3' high wall that matches the architecture of the rock façade on the building to run the length of the frontage. (2) That the landscaping along the north property line be enhanced greatly and that the wall along that property line actually match the architecture of the building and that its height be measured a minimum of 6' high from the residential grade and not the commercial side. (3) That landscaping islands be added and extended along the east and west ends of the building a minimum of at least 18' in depth and at least 6' minimum wide between the curbs to accommodate trees and shrubs. (4) The wall along the north property line should at least start 25' back from the property line along 2200 West and not 40' so that it at least matches the front yard setback. That would still provide for a clear view up and down 2200 West. **Commissioner Barbour** - Would the Commission like to see this for final? **Commissioner Calacino** – Yes. **Commissioner Jensen** - That would remove Condition #11 and change #15 so that the Planning Commission will make the final approval. (Commissioner Barbour and Commissioner Calacino agreed to both changes) **Commissioner Daniels** – Madam Chair, point of clarification. Commissioner Calacino, would you be amenable to a 3' berm where you are suggesting a 3' fence to give the petitioner an "either-or"? **Commissioner Calacino** - No, I don't believe in berms. They are useless and end up looking terrible after a period of time because they are not maintained. I would rather see an actual visual barrier or wall that matches with the architectural features of the building. In my opinion, berms don't provide a screen. **Commissioner Rushton-Carlson** - Commissioner Calacino, your original comment was that one of the conditions be that there be a landscape design plan stamped by a landscape architect. **Commissioner Calacino** - We need that and I

would encourage that the design be drought tolerant and use native species for both the trees and shrubs, with a good mix of evergreen and deciduous types. That is why we need a design professional that knows our climate.

Commissioner Overson - We have a motion to approve File 28C05 by Commissioner Barbour and second by Commissioner Calacino with comments. All in favor please signify.

VOTE: All Commissioners voted in favor. Motion passes unanimously

11. 23C05 **Plantation Gardens, LLC (Don Patton), 677 West 4800 South** - 40 Residential  
Attached Unit PUD. (Dan Udall – City Planner)

[21:24:59 Mr. Udall made his presentation for both Items 11 and 12 at the same time.]

11.1 Mr. Udall oriented on the site plan, aerial map and images. This property was recently master planned at high density residential and rezoned from A-1 to R-M by the City Council. The applicant has proposed private roads to access the units and the project is adjacent to the Jordan River on 9.96 acres. There are two single-family homes and several trees presently on the property. 70% of the property is located within the flood plain. 21:29:16 Some issues were addressed under the conceptual stage, however, there are several issues that still have not been addressed that the Planning Commission wanted to see at the preliminary review, i.e., the landscaping along 4800 South has been addressed with conifer trees along the wrought iron fence and bushes and also deciduous trees along the park strip. They are proposing two access points, the main one being on the west side and then a right-in, right-out one on the east side. The right-in, right-out access on the east side, is actually offset from Sunstone Road by 40' and the ordinance states that the access should be at least 150' from a local road. The City Engineer has expressed that if the applicant desires to keep the access where located, they will have to supply a traffic analysis and probably will need to re-stripe 4800 South at that point. The architect has stated that they would move the access point to the east so that it will line up to Sunstone Road. Another issue is that the General Plan states a 100' minimum dimension is recommended for the Jordan River Parkway and depending on site conditions, the dimension can vary. The six units located on the northeast side are within that 100' minimum distance. 21:29:51 The very northeast side of Lot #1 is only 52'. On the south side, the State of Utah Natural Resources Department originally expressed that they wanted to see 150', however, they have subsequently submitted a letter stating that they are okay with 100' dimension between the bank of the river and the building. Therefore, the buildings actually meet the 100' setback. The applicant has shown the cul-de-sac on the south side to be approximately 85' from the Jordan River bank, however, the architect expressed to Staff that the survey is not up-to-date and actually those buildings and the cul-de-sac are actually further to the north from the Jordan River. The applicant has submitted two letters from agencies that are involved with the Jordan River corridor (Department of Natural Resources and the Army Corps of Engineers). No other agency has committed letters relative to this and the Planning Commission wanted to see all letters. The applicant expressed to Staff that they are okay with a public access easement along the Jordan River, however, their concern there would be the liability issue. The applicant is also proposing trails within the property to be used only by the property owners, however, that would be extremely difficult to control.

11.2 **Staff recommends approval with the following findings:**

1. The proposed project with conditions meets the current general plan.
2. The proposed project with conditions meets the zoning ordinance and the zoning map.

11.3 **Staff recommends approval of the preliminary conditional use subject to the following conditions:**

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. That the site lighting is designed to be oriented from shining upon any adjacent residences. Some light fixtures may need to be removed to avoid heavy lighting at night.
3. That lighting, walls, colors, building materials, etc., match or compliment the overall design of the project.
4. That the site receives storm drain approval from City Engineering and that any storm drain fees are submitted to the City.
5. That any signage must comply with City sign ordinances.
6. That the Planning Commission approves the final conditional use permit.
7. That the Planning Commission reviews the material board.
8. That the PUD Homeowner Association maintains the site including the private road. That the wetland area is also maintained according to all Army corps of Engineering regulations.
9. That a planting plan be provided to the Planning Commission delineating planting locations and species. The plan will need to be stamped by a licensed landscape architect. All conifer trees need to

- be a minimum of 6' high and all deciduous trees need to be 2 inch in caliper. That trees are provided between the units and the private roads. That as many existing trees as possible are saved on the site. That the trail corridor that extends along the proposed units is landscaped.
10. That no parking is allowed along the private road.
  11. That the six residential units on the northeast side of the site are at least 100' from the bank of the Jordan River to meet the requirements of the Taylorsville General Plan.
  12. That residential units #28, 29, 30 and 40 are at least 150' from the bank of the Jordan River to meet the State of Utah guidelines. That the cul-de-sac is at least 100' from the bank of the Jordan River to meet the requirements of the Taylorsville General Plan.
  13. That letters from all appropriate agencies that have jurisdiction over the Jordan River be submitted to the Planning Commission.
  14. That documents from the Army Corps of Engineers describing the area of the wetlands be submitted to the Planning Commission. That a map of the Jordan River old meandering corridor on this site be submitted to the Planning Commission.
  15. That the riparian and wetlands areas are protected.
  16. That the applicant meets all FEMA regulations in regards to the 100-year flood plain.
  17. That the gated fences are not allowed on the private road adjacent to 4800 South.
  18. That the building elevations and all structures are approved by the Planning Commission. That the exterior(s) of the building(s) are not altered without approval from the Planning Commission.
  19. That the eastern private road is lined up with Sunstone Road or be located 150' from Sunstone Road.
  20. That the split vinyl fence is located a minimum of 25' away from the Jordan River and that the trail is located west of the vinyl fence.
  21. That a park strip is provided between the sidewalk and the private roads.
  22. That any mechanical equipment at ground level is screened by a 6-foot high wall that matches the colors, building materials and architecture of the building.
  23. That any mechanical equipment on the roof of the buildings are screened or positioned so that it is not visible from ground level.

**11.4      Staff recommends approval of the preliminary subdivision application with the following findings:**

1. The proposed project with conditions meets the current general plan.
2. The proposed project with conditions meets the zoning ordinance and the zoning map.

**11.5      Staff recommends that the preliminary subdivision be approved subject to the following conditions:**

1. That the subdivision receives final plat approval from City Staff.
2. That the subdivision is recorded by plat and that the plat complies with City Ordinance 12.16.010.
3. That any subdivision amendments proposed after the initial recordation are reviewed and approved by the Planning Commission. The amendment must then be recorded.

**11.6      DISCUSSION:**

- **Commissioner Rushton-Carlson** commented that this seemed to be premature even for preliminary. The survey is not up-to-date and most of the approvals are still pending and in the past the Commission has required a 100' setback easement along the Jordan River from other developers. She asked why an exception would be made on this project. **Mr. Udall** advised that the developer must meet that requirement at the final conditional use stage. **21:36:38 Commissioner Rushton-Carlson** felt there were just too many unresolved issues to even grant preliminary approval and this point.
- **Commissioner Barbour 21:37:09** wanted to know why the Commission would wait for final to resolve the issues when there has been no precedent to do that in the past. Resolution was always required by preliminary. **Mr. Udall** said that the applicant is just not meeting a number of issues at this point but Staff is recommending approval based on the fact that the issues will be met by final review. **Commissioner Barbour** stated that she would like to have the issues dealt with now and not wait until final review.
- **Commissioner Calacino 21:37:58** asked what the width of the private road would be and Mr. Udall informed him it was 26' from back of curb to back of curb.
- **Commissioner Overson 21:38:17** had a question about the access the State of Utah wants in order to be able to get back into the triangular piece to dredge the creek. She wondered why they need a separate easement/road and why it could not be incorporated into this plan. There is a gated roadway

there where the State could ideally have access, however, there is a concrete barrier in front of that that has been there since the underpass for 4800 South was put in or approximately six years. The State has apparently not gone back there for six years or may have used another route. That is the reason she questioned the need for a separate access. **Mr. Udall** said that is a gravel road that goes back there and they may be using that presently. **Commissioner Overson** also expressed concern as to why a lot of the information needed for the meeting was not received until 6:30 p.m. the night of the meeting. It is a lot of information to read and digest and that is just not enough time to do so.

- **Commissioner Jensen** [21:40:38](#) said that Staff mentioned they needed more information, and wanted to know how long before that is expected. **Mr. Udall** said that the applicant has not provided a timeline.

11.7 **APPLICANT ADDRESS: Daniel Patton** (Representing the owner, Donald Patton).

[21:41:35](#) **Mr. Patton** addressed the 100' easement issue for the corridor by saying that they understand that code and it says it can vary according to the site and they hope that will be the case for this project. That on the average, there is 162' along the river which would average out to be in compliance. They were hoping that by providing so much open space it would maintain the visual look of natural vegetation along the Jordan River. 4800 South is next to the river and doesn't maintain any kind of a barrier from the river. We feel that it is not a good look to the river to have concrete barriers. That cannot be changed at this point. **Mr. Patton** advised they are trying to improve the site and allow people to still come in there to fish out of or walk along the Jordan River and enjoy the public land and water there. [21:43:44](#) The site will be difficult to develop if not allowed to at least have 55' to develop with. Another question was the public access and ensuing liability. The State of Utah would rather not have that liability of a parkway path on the west side of the river. There is already one on the other side and there is no plan to develop one along the west side. The applicant is working with appropriate agencies to keep flood control to the maximum and provide the best control of the river as possible. The State of Utah has indicated that they would rather have the private owners maintain the corridor and are not interested in doing that as a State agency. [21:45:10](#) **Mr. Patton** advised that there is an element of criminal activity along the river banks right now and he felt developing a private community there would substantially do away with that. He advised that the reason they don't have all the necessary approvals this evening is that it takes a long time to work through the process when dealing with government entities. He added that this development will provide high quality energy efficient homes with no stucco and will set a standard for future sites to emulate. They are trying to change the image of what town homes now project. The reason they want a gated community is because these will be expensive homes. The gated element would only be closed during the night time. There is no landscaping plan tonight because this is preliminary and that is not a requirement until final review.

- [21:53:54](#) **Commissioner Rushton-Carlson** asked what the depth of fill would be and [21:54:31](#) **Mr. Patton** advised it would be very shallow, approximately 1', which will be brought in from off site. **Commissioner Rushton-Carlson** commented that the design of the home was very nice and asked if they were all twin-homes. **Mr. Patton** advised they were. **Commissioner Rushton-Carlson** [21:55:45](#) asked if flood insurance would be a requirement and **Mr. Patton** said it would not be required but the option would be available upon purchase. **Commissioner Rushton-Carlson** wanted to know about the trail system and **Mr. Patton** [21:57:29](#) advised there would be a private trail system for residents of the project, however, it would subsequently connect to the public path and there would need to be a way to differentiate between the public and private portion of the path.
- **Commissioner Calacino** had a question on the design if there was any consideration put into having the State maintain the easement. He wanted to know if instead of having units back up against that, have the private road actually go there, which could work to allow access, then there would just be a small access off the end of the road into that area. The area along 4800 South could be redesigned a little bit to not have the access behind the homes, whether it gets used a lot or not. It could just be part of the road that needs to be moved to the east anyway. **Mr. Patton** said that was a good question. That they have been working on this project for about two years now during the different processes involved. There have been many plans considered from high density all the way down to what is now proposed at medium density and what they consider to be their very best plan for all concerned. [21:58:26](#)
- **Commissioner Jensen** [22:01:56](#) asked if they had considered talking to the owner on the northwest corner to expand this project further to the west, to which **Mr. Patton** replied that they had but could not agree on a fair price. [22:02:18](#) He added that it would not be feasible at this point to change the whole plan and the only thing it would help would be the 100' easement requirement. [21:58:26](#) **Commissioner Jensen** asked if there were any basements in these homes and **Mr. Patton** advised that most of the homes in Phase 1 would but those along the river would not be able to.
- [22:05:30](#) **Commissioner Rushton-Carlson** observed that the only amenity in the project would be the club house and **Mr. Patton** agreed that was the case.

- **Commissioner Overson** asked what the time line would be for the two different phases. **Mr. Patton** [22:10:04](#) said the first phase could be built without FEMA approval but the second phase would require all approvals.
- [22:12:25](#) **Commissioner Rushton-Carlson** asked for clarification on the setbacks along the river. **Mr. Patton** said they were an average and that Lot #1 is 55' from the river and is the closest lot to the river of all of them and another one is about 300' away.

11.7 **SPEAKING:**

1. **Edwin Hofeling.** **Mr. Hofeling** has lived in that area most of his life. He attended a neighborhood meeting where they discussed the height of the wall and the affect the height of the structures would have on neighbor's views of the mountains. [22:19:34](#). He felt the neighbor's apprehensions were legitimate and had his own concerns about the river itself, especially where it comes around the bend and there are sand bars. Dredging has not been done in that area for years because there is no way to get equipment in there to do so and felt there may be a problem if there is a flood. He also could not tell which way the buildings would face. He was not trying to obstruct the development but needed clarifications, especially as it pertains to along 4800 South and wanted to know the impact there. Wrought iron fences are beautiful but not functional.
2. **Bill Meyer.** (Back yard faces this development) **Mr. Meyer** felt it would be a nice development but had some concerns to discuss. [22:25:05](#). When it was first discussed two years ago, it was very nice and there was a privacy wall included and landscaping along the streetscape of 4800 South. He felt a brick or stone wall would be better than the wrought iron fence. This could be a nice gateway to the City of Taylorsville and must include adequate landscaping. [22:26:47](#). He had concern for what was going to happen to the wildlife in that area. Also that there is a two lane bridge there now that is badly in need of replacement. He complimented Mr. Patton for taking on this project and said if the issues are resolved it will be nice.
3. **Donald Patton.** [22:30:18](#) **Mr. Patton** advised they had made commitments to the neighborhood regarding the wall but the City said they did not want the solid wall as proposed and instead wanted the wrought iron. This is a unique piece of property and felt a split rail fence would allow the animals to go back and forth. This is an excellent location for a luxury project, with basic price starting at \$300,000.00. Therefore, people want to protect their investment and do want a gated community. There are internal paths proposed for the owners. Still of great concern is the liability issue along the Jordan River corridor and the need to provide access to the State of Utah for dredging activity. **Mr. Patton** said they had listened to Staff's concerns and will install a "Welcome to Taylorsville" gateway sign and that garage doors will access only from the sides of the homes.

11.8 **CLOSED FOR DISCUSSION OR MOTION:** [22:37:55](#) **Commissioner Rushton-Carlson** asked if a seismic study had been done and **Mr. Udall** said it had not, however, that his area is high liquefaction. **Commissioner Jensen** said that he needed time to review the new information received just prior to this meeting and felt there were a lot of unresolved issues, such as the bridge, Jordan River Parkway and the easement there.

- 11.9 **MOTION:** [22:39:33](#) **Commissioner Jensen** - I would like to make a motion to table this application until we have a chance to consider all the new information we have received and to go over it thoroughly and completely and meet again to discuss it.
- SECOND:** **Commissioner Calacino.**
- Commissioner Overson** - We have a motion by Commissioner Jensen to table Agenda Items 11 and 12, with a second by Commissioner Calacino. **Commissioner Overson** - I would like to say a word about this. I believe in tabling this, from what I am gathering is not that the Planning Commission is opposed to this but that we do not have the information that we need to have to feel comfortable in pushing it forward. In tabling this, it doesn't mean that anything should be held up with regard to permits because that it is a big issue. We need to see all of those. I think this is a potentially beautiful site and it will be beautiful when finished, but right now there are a lot of unanswered questions. I don't foresee proceeding with Phase 1 when you don't have permits for Phase 2. The road with easements in and out is a very big issue. I have concern about the public having access to the private walkway inside. Those all need to be clarified. I don't think it is the intent of the City that there is a walkway or parkway on the west side of the Jordan River. I believe the intent is just to preserve that for now. In summary, there is a lot of information that we still lack and in tabling this, we are not giving a

negative recommendation but are just asking for more time. I would strongly suggest that you include the neighbors to be involved and get their input. The motion is to continue these two items, no time specific and wait for Staff to bring it back.

**VOTE:** All Commissioners voted in favor. Motion passes unanimously. 22:47:20

### **SUBDIVISIONS**

13. 11S05 **Mr. Dennis Morrill (Property) – Represented by Eric Robinson, 6024 S. 2200 W.**

Conceptual review of a two-lot residential subdivision. (Michael Maloy – City Planner)

22:49:38

13.1 **Mr. Maloy** oriented on the site plan, aerial map and images. **Mr. Robinson** has submitted an application for conceptual review of a two lot residential subdivision at 6024 S. 2200 W. The proposed subdivision is located within an A-1 agricultural zone, which requires a minimum lot size of 10,000 square feet for a single family residence. Lot 1 will contain 28,700 square feet and will be accessed from the north via a private driveway connected to Surrey Road. Lot 2 will contain 22,764 square feet and will be accessed from the east via a private driveway connected to 2200 West. The applicant does not propose to dedicate any additional public right-of-way to the City. No Planning Commission motion is required for conceptual review, however, members are encouraged by Staff to communicate with the applicant any suggestions or concerns that should be addressed during preliminary review at a future public hearing.

1. Mr. Robinson met with staff in a pre-application conference to discuss this proposal, during which, staff informed the applicant that the Community Development Department would recommend dedication of private property necessary to connect 2200 West to Surrey Road. The dedication would accomplish the following objectives:
  - Improve access to existing and future parcels adjacent to the public right-of-way.
  - Complete the road system intended by previous street master plans.
  - Resolve current concerns with emergency vehicle access due to existing dead end roads (Mr. Tom Smolka, Fire Inspector with the Unified Fire Authority, stated that the current dead-end streets on Surrey Road and 2200 West do not comply with current emergency vehicle turn-around requirements and will require improvement if the two roads are not connected).
  - Provide easements for necessary public and private utilities.
  - Improve deficiencies in existing public improvements such as storm water drainage.
  - Create neighborhood connectivity.
2. Following are comments received from the City Engineer, Gordon Haight, which essentially stated that the extension of Surrey Road to 2200 West is a logical recommended requirement for this subdivision.

#### **The extension would solve the following issues:**

- Provide better vehicle circulation for the neighborhood.
- Better access for emergency vehicles.
- Bring Surrey Road in compliance with Taylorsville road ordinances (i.e., cul-de-sac length).
- The drainage on the east end of Surrey Road is ponding and deteriorating the existing gutter and sidewalk, the extension of new curb and gutter or inlet box with a pipe to the catch basin in 2200 West would solve this problem.
- Encourage pedestrian and bicycling along Surrey Road to 2200 West.
- Lot frontages would meet City street standards.
- Requiring the improvements is consistent with the requirements of adjacent properties in the neighborhood.
- The City road standard is the most cost effective type of infrastructure for the City to maintain.
- Prevent setting a precedent for this area. Several other lots are large enough to also be subdivided and will expect the same treatment.

It appears that the developer does not control all the right-of-way to construct the road where it was originally intended to be located. For this reason, the following are alternatives to requiring a full width road section (Note: a full width road, less the east sidewalk, could be constructed and installed on the applicant's property; with

the use of a protection strip the developer could be reimbursed when or if the adjacent Johnson property were to be subdivided):

- The developer will need to install a drainage solution to the storm water “ponding” at the end of Surrey Road. The solution could be either extending the curb and gutter to 2200 West or installing an inlet box and piping the storm water to the inlet box on 2200 West.
- The developer should dedicate at least half the right-of-way for Surrey Road.
- The developer should provide for pedestrian and bicycle access between Surrey Road and 2200 West. (Note: Without building the road and sidewalk, improvements to the half-road dedication will need to keep in mind how to minimize maintenance by the City. There are a number of technical issues that would need to be addressed with this part of the design and would need a more detailed discussion.)
- Provide the City with the funds to make half of the road improvements once all the right-of-way is obtained.
- Meet all fire department access requirements with temporary turn around.
- With the City’s half-road dedication, the developer will need to work with the Taylorsville-Bennion Water District to assure that the community has a “looped” water line.

13.2 **APPLICANT ADDRESS:** Eric Robinson (representing Dennis Morrill). [22:58:35](#) Mr. Robinson acknowledged that they plan to access both lots from 2200 West. The reason for that access point was to allow the grassed over road was to be paved to the lot on the west and to the crash gate, however, there will be no dedication of any right-of-way to the City. There is only 23’ between the property line running northwest and the other property line running adjacent to that. The City wants compliance with the road but the road will never be in compliance unless both property owners, the Johnson’s to the north and Mr. Morrill subdivides. Mr. Robinson addressed different points from Mr. Haight’s comments and City Staff’s analysis.

1. **Mr. Robinson’s comments regarding Staff’s analysis:** Bullet point #1 under Staff’s analysis raises the question of dedication of the right-of-way. Essentially, the developer here would be providing access and a thoroughfare for emergency vehicles. Staff analysis, Bullet point #4 was to provide easements for necessary public and private utilities. The utilities are already placed within the road, if not the surrounding area is already developed and the applicant would have to grant any public utility easements needed, which Mr. Robinson did not believe would be the case. Staff analysis, Bullet point #5 – Improve deficiencies in existing public improvements such as storm water drainage. For the current road to the northwest it is being proposed that the developer dedicates half the width of the road and bonds half of the money over to the City for some future development of the road, at a yet unspecified time. Mr. Robinson felt that Mr. Morrill would basically scrap the project if that is required. That Mr. Morrill is proposing to build his retirement home here and would end up probably selling the lot or just building a residence on that lot itself and selling his other house. Mr. Robinson felt that if the City pushes Mr. Morrill too hard on this issue, the City would end up with nothing. Mr. Robinson advised that he was Mr. Morrill’s son-in-law and the plan was for him to buy the second lot to build a home upon.
2. **City Engineer’s (Mr. Gordon Haight) comments:** (Mr. Robinson’s response)
  - [23:01:58](#) Bullet point #1 - To provide better vehicle circulation for the neighborhood. Mr. Robinson advised that there are about seven houses to the northwest on the south side of Surrey Road and four houses on the north side of Surrey Road, where this road extension will provide a closer access to an unknown destination. Saddle Way, which is not part of this project, provides access to the rest of Surrey Road and those other points. The existing neighborhood does not want this circulation plan implemented. The reason the County relented, unknown years ago, and gave up the bond money was because of protests from the neighbors.
  - Bullet point #2 – Better access for emergency vehicles. Mr. Robinson commented that they would be providing a thoroughfare for emergency vehicles. There is a turn around on Surrey Circle and 150’ from that is the beginning of this property. When Tom Smolka (UFA), came out to the property he mentioned that if there were just a driveway going through which would provide essentially a turn around, that would be acceptable to the Fire Department as being in compliance with all private roadway requirements.
  - Bullet point #3 – Bring Surrey Road in compliance with existing City road ordinances. Mr. Robinson advised this will not happen solely with this property’s dedication and will depend upon some future action by the Johnson’s to the north. It is impossible to put the road into compliance as the property now stands.

- Bulletin point #4 – **Mr. Robinson** said that in regard to drainage problem to the east, they were willing to grant the City any public easements. If they would like to come in and put in a drainage area there that they don't have now, they are more than welcome to do so. The subdivision to the west should have taken care of this problem but that did not happen, so there is a precedent in the area for that.
- Bullet point #5 – Lot frontages. **Mr. Robinson** indicated that he had attempted to find the lot frontage requirements but failed to do so. The only statute he could reference was 13.04.315, which shows a 20' requirement along a right-of-way. He was not aware of how the Code defines a right-of-way, however, said they would be putting in at least a 20' paved private roadway.
- Bullet point #6 – Improvements requirement. **Mr. Robinson** did not feel this is relevant inasmuch as the subdivision to the west already has been allowed to proceed in spite of this problem. The applicant was not proposing to access the property at all from the northwest. Just want to leave it as is and fix whatever needed to be done to make it accessible to emergency vehicles.
- Bulletin #7 – Prevent setting a precedent. **Mr. Robinson** said the precedent has already been set.
- Bulletin #1 under Mr. Haight's second set of comments, **Mr. Robinson** said they would work with the City to install a drainage solution.
- Bullet #2 under Mr. Haight's second set of comments - Dedicate half the right-of-way for Surrey Road. **Mr. Robinson** said he did not believe Mr. Morrill would be willing to do that. His feeling is that the City has no rights to require that.

**DISCUSSION:** In as much as this is conceptual, no formal recommendation or motion was made by the Planning Commission. Commissioners commented that they would like a legal opinion from the City Attorney regarding issues discussed this evening by the developer and to make certain that everything is in compliance with City Ordinances and Code, especially as pertains to the public street and access for emergency vehicles and conformance with fire code.

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**MEETING REVIEW:** **Commissioner Smith** [23:17:48](#) attended the last City Council meeting and gave his presentation to the Commissioners about what transpired that evening.

**DISCUSSION OF NEW BUSINESS:** **Commissioner Jensen** [23:29:32](#) wanted to discuss some items for future consideration. (1) The clause in the new Planning Commission Procedures and Policies recently passed by the City Council, that deals with possible replacement of Commissioners after three unexcused absences. (2) With regard to the Minutes it says that decisions at the end of the meeting are final but then there is a provision for the opportunity to update the Minutes afterwards. **Commissioner Jensen** was concerned that they had heard nothing back from the City Attorney regarding what was the legitimate way to do it. It is a due process issue and he wanted to make sure it was done correctly. He felt that decisions are not final until the Minutes are approved. (3) He also would like to get an update regarding the Jordan River Parkway. [23:31:30](#)

**Mr. McGrath** added a comment relative to the City Council meeting in that Two-Ton Plumbing received approval as Community Commercial. What was not settled was whether it would come back for zoning as C-2 or C-3. If it comes back for a C-2 it will be a conditional use before the Planning Commission. If it comes back for a C-3, it is a permitted use, which means it will not come back to the Planning Commission. Staff is suggesting that it be C-2 but this has not been determined yet. [23:32:55](#)

**ADJOURNMENT:** [23:33:55](#) By Motion of **Commissioner Calacino** and second by **Commissioner Smith**, the meeting was adjourned at 11:34 p.m..

Respectfully submitted by:

Approved in meeting held September 13, 2005

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Jean Gallegos, Administrative Assistant to the  
Planning Commission